

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROBERT C. TREADWAY, JR.,

Plaintiff,

v.

ORDER  
10-CV-0042A

SHERIFF JAMES R. VOUTOUR,

Defendant.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 27, 2012, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion for summary judgment be denied on the merits of the failure to treat claim, but granted for lack of defendant's personal involvement.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for summary judgment is denied on the merits of the failure to treat claim, but is granted for lack of defendant's personal involvement.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: October 16, 2012